

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION

DON NUNEZ,)
)
Plaintiff,)
)
v.) Case No. 5:23-cv-1405-LCB-GMB
)
SOUTHERN HEALTH PARTNERS,)
et al.,)
)
Defendants.)

ORDER OF DISMISSAL

The magistrate judge entered a report in which he recommended that the court dismiss this case without prejudice for plaintiff Don Nunez's failure to prosecute his claims. (Doc. 19). The magistrate judge advised Mr. Nunez that he had fourteen days to file objections. (Doc. 19 at 2). The court has not received any objections.¹

Accordingly, the court **ADOPTS** the report and **ACCEPTS** the recommendation. The court **DISMISSES** this case **WITHOUT PREJUDICE** for Mr. Nunez's failure to prosecute his claims.

For information regarding the cost of appeal, see the attached notice.

¹ On May 30, 2024, the U.S. Postal Service returned the report and recommendation to the Clerk of Court as undeliverable with the notation "not at this facility." (Doc. 20).

DONE and ORDERED this May 31, 2024.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE

United States Court of Appeals
Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

David J. Smith
Clerk of Court

InReplying Give Number
of Case and Names of Parties

NOTICE TO PRISONERS CONCERNING CIVIL APPEALS

The Prison Litigation Reform Act of 1995 (effective April 26, 1996) now **REQUIRES** that all prisoners pay the Court's \$600 docket fee plus \$5 filing fee (for a total of \$605) when appealing any civil judgment.

If you wish to appeal in a civil case that Act now **requires** that upon filing a notice of appeal you *either*:

- (1) Pay the total \$605 fee to the clerk of the district court from which this case arose; *or*
- (2) arrange to have a prison official certify to the district court from which the appeal arose the average monthly deposits and balances in your prison account for each of the six months preceding the filing of a notice of appeal.

If you proceed with option (2) above, the Act requires that the district court order you to pay an *initial partial fee* of at least 20% of the **greater** of either the average monthly deposits or of the average monthly balances shown in your prison account. The remainder of the total \$605 fee will thereafter be deducted from your prison account each month that your account balance exceeds \$10. Each such monthly deduction shall equal 20% of all deposits to your prison account during the previous month, until the total \$605 fee is paid. (If your prison account statement shows that you cannot pay even the required *initial partial fee*, your appeal may nevertheless proceed, BUT THE TOTAL \$605 FEE WILL BE ASSESSED AGAINST AND WILL BE DEDUCTED FROM FUTURE DEPOSITS TO YOUR PRISON ACCOUNT.)

Fees are not refundable, regardless of outcome, and deductions from your prison account will continue until the total \$605 fee is collected, even if an appeal is unsuccessful.

David J. Smith
Clerk of Court

PLRA Notice